

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

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LEK SECURITIES CORPORATION and
ROX SYSTEMS, INC.

Case No.: 19-CV-02142
(RMB/BCM)

Plaintiffs,

- against -

NICOLAS LOUIS, JONATHAN FOWLER, VOLANT
HOLDING, LLC d/b/a VOLANT TRADING, VOLANT
TRADING, LLC, VOLANT LIQUIDITY, LLC, AND
VOLANT EXECUTION, LLC

Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/9/19</u>
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**STIPULATION OF DISMISSAL WITH PREJUDICE AND [PROPOSED] ORDER
VACATING TEMPORARY RESTRAINING ORDER AND RELEASING BOND**

WHEREAS, on March 8, 2019, Plaintiffs Lek Securities Corporation and ROX Systems, Inc. (collectively, "Plaintiffs"), commenced this action by filing a complaint and seeking a temporary restraining order; and

WHEREAS, this Court granted Plaintiffs' motion for a temporary restraining order on March 8, 2019 continuing until March 14, 2019 and requiring Plaintiffs to post a bond in the amount of \$10,000 (ECF No. 4); and

WHEREAS, Plaintiff Lek Securities Corporation paid \$10,000 to the Clerk of the Court of the Southern District of New York ("Clerk of the Court") on March 11, 2019 pursuant to the Court's order (Cashier's Office Registry Deposit, March 11, 2019); and

WHEREAS, the Court continued the restraining order on March 14, 2019 until April 1, 2019 (ECF No. 29); and

WHEREAS, the Court continued the restraining order during an on-the-record hearing on April 1, 2019 until further Order of the Court (Minute Entry, April 1, 2019); and

WHEREAS, by Order dated April 9, 2019, (ECF No. 57) the Court increased the bond required from Plaintiffs to a total of \$500,000; and

WHEREAS, Plaintiffs filed a \$490,000 bond pursuant to the Court's direction (ECF No. 63); and


WHEREAS, Defendants Volant Holdings, LLC d/b/a Volant Trading, Volant Trading, LLC, Volant Liquidity, LLC, and Volant Execution, LLC (together, the "Volant Defendants"), Nicolas Louis, Jonathan Fowler, and Plaintiffs have resolved all issues and claims in the above action as against all parties; and

WHEREAS, on account of the settlement, the parties hereby respectfully request that the Court enter the Proposed Order below VACATING the temporary restraining order (EFC Nos. 4, 29), RELEASING the bond, and directing the Clerk of the Court to RETURN Lek Securities Corporation's \$10,000 payment to Lek Securities Corporation, One Liberty Plaza, New York, NY 10006 (ECF Nos. 4, 57, 63, Cashier's Office Registry Deposit, March 11, 2019).

NOW, THEREFORE, IT IS STIPULATED AND AGREED, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), by and between the parties through their undersigned counsel, that the above-captioned action is voluntarily dismissed with prejudice as against all defendants.

Dated: New York, New York
July 8, 2019

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and Jonathan Fowler*

SO ORDERED. Pursuant to the parties' stipulation of dismissal and above requests, the temporary restraining order (EFC Nos. 4, 29) is hereby VACATED, and the bond posted by Plaintiffs (ECF Nos. 4, 57, 63) is hereby RELEASED, and the Clerk of the Court is directed to RETURN Lek Securities Corporation's \$10,000 payment (Cashiers Office Registry Deposit, March 11, 2019) to Lek Securities Corporation, One Liberty Plaza, New York, NY 10006.



Hon. Richard M. Berman
United States District Judge

7/9/19